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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,188	09/11/2003	David E. Mayhew	101340-334-NP	5820

7590 08/06/2008
Robert Frame
Niels & Lemack
176 E. Main Street
Suite 7
Westboro, MA 01581

EXAMINER

FOUD, HICHAM B

ART UNIT	PAPER NUMBER
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2619

MAIL DATE	DELIVERY MODE
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08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Amendment

1. The amendment filed on 05-07-2008 has been entered and considered.

Claims 1, 2, 4 and 13-26 are pending in this application.

Claims 3 and 5-12 are canceled.

Claims 2, 4, 13, 15-17 and 20-26 are allowed.

Claims 1, 14 and 18-19 remain rejected as discussed below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 14, and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Droz et al (US2002/0136202) hereinafter is referred to as Droz.

For claims 1, 14 and 18, Droz discloses a method of routing a packet from a source to a destination within a fabric having at least one switch, said switch having a plurality of ports (see Figure 2; element 210; router and 214 input/output ports), said method comprising: encapsulating said packet with a header, wherein said header comprising packet field data (see Figure 2; element 212; wherein 216 is header and 218 is data); transmitting said encapsulated packet from said source to said switch (see Figure 2 element 212); receiving said encapsulated packet by said switch on a first of

said ports (see Figure 2; LC 22); determining a second port using only said packet field data and the number of said ports (see [0047] lines 5-10); and transmitting said encapsulated packet from said switch via said second port (see [0047] lines 14-17).

For claim 19, Droz discloses a method wherein further comprising modifying said packet field data prior to transmitting via said appropriate output port (see [0047] lines 8-10; So, in replying to the source, the new header will exchange the fields, meaning that the new header will have the address of the destination as the source and the source address as the destination).

Response to Arguments

3. Applicant's arguments filed 05/07/2008 fully considered but they are not persuasive.

4. In page 8 of the Remarks, the Applicant argued the use of the term "only" and that the reference uses a routing table to process the header and that is different than the applicant's way of processing the header. However, the examiner disagrees with the applicant for the reason that the packets fields and ports information are the entries of the routing table therefore the output port is defined by the packet field and the ports. Also, the process of the header to identify the appropriate output port is irrelevant because the claims 1, 14 and 18 do not specify how the packet field is being processed and they only recite the use of the information in the packet field. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the

structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

When responding to this office action, applicants are advised to clearly point out the patentable novelty which they think the claims present in view of the state of the art disclosed by the references cited or the objections made. Applicants must also show how the amendments avoid such references or objections. See 37C.F.R 1.111(c). In addition, applicants are advised to provide the examiner with the line numbers and pages numbers in the application and/or references cited to assist examiner in locating the appropriate paragraphs.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hicham B. Foud whose telephone number is 571-270-1463. The examiner can normally be reached on Monday - Thursday 10-3 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hicham B Foud/
Examiner, Art Unit 2619
08/02/2008

/STEVEN HD NGUYEN/
Acting SPE of Art Unit 2619/2600